

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-28179 of 2020 (O&M)

Date of Decision: 15.12.2020

Kuldeep Singh

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. R.P. Dhir, Advocate
for the petitioner.

Mr. Randhir Singh Thind, D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-25181-2020:

The application is allowed, as prayed. Copy of judgment dated 30.09.2016 and copy of challan dated 16.05.2020 are taken on record as Annexures P-3 and P-4 respectively.

CRM-26171-2020:

The application is allowed, as prayed. Copy of judgment dated 15.06.2012, copy of confession statement dated 11.06.2011 and copy of list of witnesses dated 16.05.2020 are taken on record as Annexures P-5, P-6 and P-7 respectively.

CRM-30553-2020:

The application is allowed, as prayed. Statements of PW4 ASI Joginder Singh, PW7 ASI Harjinder Singh and statement of Gurdev Singh @ Debi under Section 313 CrPC are taken on record as Annexures P-8 to P-10 respectively.

Criminal Misc. No.M-28179 of 2020:

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in FIR No.72 dated 08.06.2011 under Section 15 NDPS Act registered at Police Station Bhogpur, District Jalandhar.

Learned counsel for the petitioner has argued that the alleged recovery made in the case is 240 kg. of poppy husk, but the petitioner has been named as an accused in the case solely on the basis of disclosure statement of co-accused Ninder w/o Pal and Gurdev Singh. However, the aforesaid co-accused have been acquitted by the trial Court vide judgment dated 16.05.2020. The petitioner was arrested in the case on 01.05.2020.

Learned State counsel does not dispute the custody of the petitioner. However, he has submitted that the petitioner was declared as proclaimed offender by the trial Court on 25.09.2013 and has been arrested in the case on 01.05.2020. He has further submitted that the petitioner was convicted in another case i.e. FIR No.418 dated 06.06.2001 under Section 15 NDPS Act, P.S. Sadar Jalandhar, District Jalandhar wherein the alleged recovery was 1650 kg. of poppy husk, however, the appeal i.e. CRA-S-1292-SB-2007 filed by the petitioner therein is pending consideration before this Court, though his sentence was suspended in that case.

I have heard learned counsel for the parties.

Admittedly, the petitioner has been named as an accused solely on the basis of disclosure statement of co-accused Ninder w/o Pal and Gurdev Singh. However, considering the fact that these co-accused have been acquitted by the trial Court, the culpability of the petitioner would be established during trial and further, the trial in the case is not likely to be concluded in near future due to Covid-19 pandemic, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that in case the petitioner is found involved in any other case under NDPS Act, the State shall be at liberty to seek cancellation of bail granted to the petitioner.

December 15, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No